

**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, April 17, 2017**

OPEN SESSION

(All times are approximate and subject to change.)
http://www.cdcr.ca.gov/BOPH/meeting_agenda.html

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

START TIME: 1:00 p.m.

AGENDA

MEETING CALLED TO ORDER

1. Roll Call

CONSENT CALENDAR

2. Approval of the Draft Minutes from the March 20 and 21, 2017 Board of Parole Hearings Executive Board Meeting.
3. Approval of the Parole Suitability Hearings and Backlog Report for April 2017.
4. Approval of Motions for Hearings with Procedural Errors – No motions to consider.
5. Public Comment on Consent Calendar – Comments are limited to five minutes. Items on the consent calendar are considered routine and non-controversial. All matters are approved by one motion unless a Board Member requests separate action.

REPORTS

6. Report from Executive Officer
 - Stakeholders Meeting on March 27, 2017
 - Proposition 57
7. Report from Chief Counsel
 - 2016 Statistics on Writs of Habeas Corpus
8. Report from Chief Deputy of Program Operations
 - Gate Clearances
9. Report from Chief Deputy of Field Operations
 - Introduction of New Deputy Commissioners
10. Report from Chief Psychologist, Forensic Assessment Division
 - Risk Assessment Workload Update

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.

PRESENTATIONS

11. The Evolution of CDCR's Policies and Procedures for the Care of Transgender Inmates
Chrisman Swanberg, Attorney V, Receiver's Office of Legal Affairs, California Correctional Health Care Services
Tom Gilevich, Assistant Chief Counsel, CDCR Office of Legal Affairs
12. Combat to Community: A Veteran's Cultural Competency Course
Shannon Kissinger, Community Education Coordinator, Swords to Plowshares, Institute on Veteran Policy

OPEN COMMENTS

13. BPH Commissioners – Agenda Items for Future Meetings
14. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. However, the Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

MEETING RECESSED TO TUESDAY, APRIL 18, 2017

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, April 18, 2017**

CLOSED SESSION

(All times are approximate and subject to change.)

1515 K Street
Executive Board Conference Room
Sacramento, California 95814

START TIME: 9:00 a.m.

DISCUSSION

Overview of Facts and Circumstances with Significant Exposure to Litigation

Pursuant to Government Code section 11126(e)(2)(B)(i)

(For purposes of this subdivision, litigation shall be considered pending when any of the following circumstances exist: A point has been reached where, in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the state body.)

Issues

1. *Coleman/Plata v. Brown* (E.D. Cal., Case No. 2:90-CV-0520 LKK JFRM P and N.D. Cal., Case No. C01-1351 THE)(pending), presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, Chief Counsel

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, April 18, 2017**

OPEN SESSION

(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

START TIME: 10:00 a.m.

AGENDA

MEETING RECONVENED (Continued from April 17, 2017)

15. Roll Call

EN BANC REFERRALS

16. Referral by the Governor pursuant to Penal Code section 4802 to review a pardon application. Members of the public may address the Board for a period not to exceed five (5) minutes.

A. JEFFERS, ADAM
Sentencing Court:
San Diego

Case Nos. CR70195 and AO35482

17. Referral pursuant to Penal Code section 1170(e) to determine eligibility for recommendation to sentencing court for recall of sentence. Members of the public may address the Board for a period not to exceed five (5) minutes.

B. MULTANI, FAHIM
Sentencing Court:
Los Angeles

AZ-4628

18. Referral by the Chief Counsel pursuant to Penal Code section 3041(b) and California Code of Regulations, title 15, section 2042 to assure complete, accurate, consistent and uniform decisions and the furtherance of public safety. Members of the public may address the Board for a period not to exceed five (5) minutes.

C. SERRANO, ERNESTO
Sentencing Court:
San Bernardino

H-43694

**To determine whether the panel
considered all relevant and reliable
confidential information**

19. Referral by the Governor pursuant to Penal Code section 3041.1 and California Code of Regulations, title 15, section 2044(b) to request review of a parole decision by the full board. Members of the public may address the Board for a period not to exceed five (5) minutes.

D. JULIAN, AUGUST
Sentencing Court:
Los Angeles

P-34928

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20. Referral by a hearing panel member pursuant to Penal Code section 3041(a) and California Code of Regulations, title 15, section 2044(a) to request review of a parole decision by the full board. Members of the public may address the Board for a period not to exceed five (5) minutes.

E. MUSZYNSKI, MARK **P-72738**
Sentencing Court(s):
Santa Clara

F. RADKE, MARK **E-70238**
Sentencing Court(s):
San Diego

OPEN COMMENTS

21. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. However, the Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

The decisions in the above hearings will be posted as soon as they are finalized in the lobby on the ground floor of 1515 K Street. They will also be posted within 24 hours on the BPH internet page at the following address: www.cdcr.ca.gov/BOPH/enbanc.html.

CLOSED SESSION – EN BANC REFERRALS

Pursuant to Government Code section 11126(c)(4)
("...[N]or shall anything in this article be construed to prevent a state body from holding a closed session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion nor consideration is expressly prohibited by statute.")

MEETING RECESSED

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, April 18, 2017**

OPEN SESSION

(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

START TIME: 2:00 p.m.

AGENDA

MEETING RECONVENED

22. Roll Call

PRESENTATIONS

23. Guiding Rage Into Power Program

Jacques Verduin, Founder and Director, Guiding Rage Into Power, Insight-Out

24. Lifer Responsivity

Jon Stern, Chief Deputy Regional Administrator, CDCR Division of Adult Parole Operations

OPEN COMMENTS

25. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. However, the Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

MEETING RECESSED TO WEDNESDAY, APRIL 19, 2017

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Wednesday, April 19, 2017**

OPEN SESSION

(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

START TIME: 9:00 a.m.

AGENDA

MEETING RECONVENED (Continued from April 18, 2016)

26. Roll Call

PRESENTATIONS

27. The Science of Decision Fatigue

Dr. Andrew Vonasch, Postdoctoral Research Fellow, University of North Carolina at Chapel Hill

28. Victim Approval and Gate Clearance Process

Mike Young, Staff Services Manager I, CDCR Office of Victim and Survivor Rights and Services

29. Victim Participation in the Parole Hearing Process

Nancy Padilla, Community Outreach Coordinator

Michelle Martin, Victim Advocate / Parole Hearing Victim Support Program

Crime Victims Assistance Network I-CAN

OPEN COMMENTS

30. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. However, the Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

LUNCH BREAK

START TIME: 1:00 p.m.

PRESENTATIONS

31. Significant Events of 2016

Jennifer Shaffer, Executive Officer

32. Whole Health

Yusef Wiley, Regional Director, Roots Community Health Center

Dr. Noha Aboelata, Roots Community Health Center

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33. Milestone Completion Program
Kelly Santoro, Warden, North Kern State Prison
Kelly Medina, Associate Warden, Female Offender Programs and Services / Special Housing
Mission, CDCR Department of Adult Institutions
34. Proposition 57 Overview
Scott Kernan, CDCR Secretary

OPEN COMMENTS

35. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. However, the Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

MEETING RECESSED TO THURSDAY, APRIL 20, 2017

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Thursday, April 20, 2017**

CLOSED SESSION

(All times are approximate and subject to change.)

1515 K Street
Executive Board Conference Room
Sacramento, California 95814

START TIME: 9:00 a.m.

DISCUSSION

Overview of Facts and Circumstances with Significant Exposure to Litigation

Pursuant to Government Code section 11126(e)(2)(B)(i)

(For purposes of this subdivision, litigation shall be considered pending when any of the following circumstances exist: A point has been reached where, in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the state body.)

Issue

1. Essential Components of Parole Consideration Hearings, presented by Jennifer Shaffer, Executive Officer; Jennifer Neill, Chief Counsel; and Rhonda Skipper-Dotta, Chief Deputy of Field Operations

Overview of Pending Litigation and Writs of Habeas Corpus

Pursuant to Government Code section 11126(e)(1)

(Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.)

Issue

2. Update on Pending Litigation, presented by Phillip Lindsay, Senior Assistant Attorney General, Attorney General's Office

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Thursday, April 20, 2017**

OPEN SESSION

(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

START TIME: 1:00 p.m.

AGENDA

MEETING RECONVENED (Continued from April 19, 2017)

36. Roll Call

PRESENTATIONS

37. Rehabilitative Achievement Credit Program

Jeff Macomber, Deputy Director, Facility Support, CDCR Division of Adult Institutions

Rosalinda Rosalez, Special Assistant to Ralph M. Diaz, CDCR Undersecretary of Operations

38. Educational Merit Completion Program

Brant Choate, Superintendent, Office of Correctional Education, CDCR Division of Rehabilitative Programs

OPEN COMMENTS

39. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. However, the Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

ADJOURNMENT

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Thursday, April 20, 2017**

CLOSED SESSION

(All times are approximate and subject to change.)

1515 K Street
Executive Board Conference Room
Sacramento, California 95814

START TIME: 2:30 p.m.

DISCUSSION

Overview of Facts and Circumstances with Significant Exposure to Litigation

Pursuant to Government Code section 11126(e)(2)(B)(i)

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Issue

1. Articulating a Nexus and Clarifying *In re Lawrence* (2008) 44 Cal.4th 1181, presented by Heather McCray, Assistant Chief Counsel

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Friday April 21, 2017**

CLOSED SESSION

(All times are approximate and subject to change.)

1515 K Street
Executive Board Conference Room
Sacramento, California 95814

START TIME: 9:00 a.m.

DISCUSSION

Consideration of Matters Posing a Threat or Potential Threat of Criminal Activity

Pursuant to Government Code section 11126(c)(18)

(A Board may meet in closed session to consider matters posing a threat or potential threat of criminal activity against the personnel, property, buildings, facilities, or equipment, including electronic data, where disclosure of these considerations could compromise or impede safety or security.)

Issue

1. Security Threat Groups, presented by Joseph Beeson, Senior Special Agent, and James Harden, Special Agent, Special Service Unit, CDCR Office of Correctional Safety

Overview of Pending Litigation and Writs of Habeas Corpus

Pursuant to Government Code section 11126(e)(1)

(Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.)

Issue

2. *Johnson v. Shaffer* (E.D. Cal., Case No. 2:12-CV-01059 GGH P)(pending), presented by Jennifer Shaffer, Executive Officer, and Dr. Cliff Kusaj, Chief Psychologist, Forensic Assessment Division

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